

Pre-7 (Rev. 10/16) Complaint for Employment Discrimination

United States District Court

for the

NORTHERN DISTRICT OF ALABAMA

Daisy Head
Plaintiff,

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

v.

SMP Automotive
Defendant(s),

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names)

FILED

2021 MAY 20 A 11:49

U.S. DISTRICT COURT
N.D. OF ALABAMA

Case No.:

7-21-CV-705-RDP
(to be filled in by the Clerk's Office)

JURY TRIAL



Yes



No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION**I. The Parties to This Complaint****A. The Plaintiff**

Name

Daisy Head

Street Address

616 1/2 23rd Ave E #B

City and County

Tuscaloosa / Tuscaloosa

State and Zip Code

Alabama, 35404

Telephone Number

205-469-9525 / 205-219-9735

E-mail Address (if known)

dhead1965@yahoo.com

Check here to receive electronic notice through the e-mail listed above. By checking this box, the undersigned consents to electronic service and waives the right to personal service by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2), except with regard to service of a summons and complaint. The Notice of Electronic Filing will allow one free look at the document, and any attached PDF may be printed and saved.

5-19-2021
DateDaisy Head
Participant Signature

II. Basis for Jurisdiction**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

SMP Automotive
Company
10799 Ed Stephens Rd
Cottondale / Tuscaloosa
Alabama / 35453
205-723-4990
N/A

Defendant No. 2

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Richard Reed
Quality Manager
10799 Ed Stephens Rd
Cottondale / Tuscaloosa
Alabama / 35453
205-723-4990
N/A

Defendant No. 3

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Chris Beck
Team Leader
10799 Ed Stephens Rd
Cottondale / Tuscaloosa
Alabama / 35453
205-723-4990
N/A

Defendant No. 4

Name

Kim Hambric

Job or Title (if known)

Supervisor

Street Address

10799 Ed Stephens Rd

City and County

Cottondale/Tuscaloosa

State and Zip Code

Alabama/35453

Telephone Number

205-723-4990

E-mail Address (if known)

N/A

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name

SMP Automotive

Street Address

10799 Ed Stephens Rd

City and County

Cottondale/Tuscaloosa

State and Zip Code

Alabama/35453

Telephone Number

205-723-4990

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Defendant(s)

Katie Andrews

10999 Ed Stephens Rd

Cottondale/Tuscaloosa

Alabama/35453

205-723-4990

N/A

These are the people that lead up to my job being taken away from me. Chris Beck - Katie Andrews (girlfriend) both white. Kim Humbrie & Katie Andrews were two Quality techs associates on the line had issues with. But they were promoted Kim - supervisor & Katie Injection Molding Dept with laptop & cell phone from Interior Dept & was still working in. Just giving all information for my case.

Pro Se 7 (Rev. 10/16) Complaint for Employment Discrimination

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):

RETALIATION

Relevant state law (specify, if known):

Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me
- ☒ Termination of my employment
- ☐ Failure to promote me
- ☐ Failure to accommodate my disability
- ☐ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☐ Other acts (specify): _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

Statement of Claim pt 2

discriminated against" Reed next statement through me way off. "You old black nigger- you ain't seen/heard nothing yet. You will learn your place and never go over my head again when I'm done with you" he walked off. Shock me to core. We were up front by copier machine where we have our shift meetings at. I was so out of it and just tried to complete my shift and do my job. Upon getting off work I called my oldest son in NYC & told him as I didn't know who else I could trust with this important & urgent information.

When I return to work on 8/11/2019- Reed informed me that I would have to be escorted off the premises for threatening & bully an associates about a month ago via text messages & falsifying documents- my reply where are these so call text messages & documents- you come at me with this information where are the proof- He jumped up & said we take threats seriously and then I will look into this issue and get back to you. Here is where I had issue with my EEOC charge- they looked into it & filed 8/2019- charge was not done until 10/2019- I never told them I was suspended- as this information was never told to me- I had statements from previous associates stating upon me being escorted off the premises I was terminated then. 8/12/2019- I went to Indian River Mental Facility for counseling- up until today 5/19/21 I am still seeing treatment- treatment plan- 2x's month- Every 3 months seeing CENP Julia for anxiety, moods & skin

Statement of claim

I was in the process of about to purchase my first home and the staff at SMP Automotive had no regards for my well being and me about to live my American Dream of first time home owner ship. It has taken me 2 yrs and leaving 2 jobs with fight / flight episode to get to this place I'm at now. SMP Automotive should be held accountable and sent a message you run a company but not allow your staff to ruin an employee life because you feel you are entitled to do so. Daisy Head

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date): 8/12/2019

B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue letter

☒ issued a Notice of Right to Sue letter, which I received on (date): 2/21/2021

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question:

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒ 60 days or more have elapsed

☐ less than 60 days have elapsed

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I'm asking for damages due to mental capacity. was shot from 8/11/2019 - 5/19/2021 - I missed the opportunity to buy my first home within this time frame - Second guessing myself when doing things and being there for others - finances for this time period were slim to none - most profound matter were having to seek mental help to help me to cope with day to day life issues and to be prescribed anxiety meds - 10mg to now max 40mg - sleeping meds from 100mg 1x to now 2100mg at night to sleep and this have to do this now - Regret my mental state back due to counseling & grasp the fact it was done to me due to no fault of my own - I was never written up, suspended or nothing. yet was fired due to manager Richard Reed thinking it was OK to do so - yet the ones who did wrong were promoted.

Pro Se 7 (Rev. 10/16) Complaint for Employment Discrimination

B. It is my best recollection that the alleged discriminatory acts occurred on date(s):

8/8/2019 - Racial slur was used by manager Richard Reed
 8/11/2019 - upon coming into work - escorted off premises
 fired & tech bullying an associate over a month ago falsifying
 close notes,

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me
☐ is/are not still committing these acts against me

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

☒ race

Black - other defendants white treated better than myself

☐ color

☐ gender/sex

☐ religion

☐ national origin

☒ age (year of birth)

Chris Beck - 23 - Katie Andrews - 26 - Kim Beach - 40
 (only when asserting a claim of age discrimination)

☐ disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed. On or around

4/2019 - had surgery - return work found out my time was not corrected by previous manager - Richard Reed was new manager - informed him about this matter - he got smart said best manager should have done this - needed my retro pay & correct shift & funds ASAP - sent VP Benki - email about this issue - Reed quickly changed his tones towards me - But he stopped communicating with me - July 8-9-2019 - Chris Beck harassed myself & another black Quality Tech - we set up meeting with HR and Katie Andrews were aware of this meeting but yet - Richard Reed & Andrews HR Rep set her up a meeting alone. 50 weeks had went by so on 8/8/2019 - when inquired about threatened & bully incidents stated feel like I'm being

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

VI. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: 5/19/2019Signature of Plaintiff: Daisy HeadPrinted Name of Plaintiff: Daisy Head**B. For Attorneys**

Date of Signing: _____

Signature of Attorney: _____

Printed Name of Attorney: _____

Bar Number: _____

Name of Law Firm: _____

Street Address: _____

State and Zip Code: _____

Telephone Number: _____

E-mail Address: _____